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October 14, 2003

**Ex Parte**

Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12th Street, SW  
Washington, D.C. 20554

Re: Verizon Petition for Forbearance from the Prohibition of Sharing Operating, Installation and Maintenance Functions Under Section 53.203(a)(2) of the Commission's Rules, CC Docket No. 96-149; Verizon Petition for Forbearance, CC Docket No. 01-338; Review of Section 251 Unbundling Obligations of Incumbent Local Exchange Carriers, CC Docket No. 01-338; Implementation of the Local Competition Provisions in the Telecommunications Act of 1996, CC Docket No. 96-98; and Deployment of Wireline Services Offering Advanced Telecommunications Capability, CC Docket No. 98-147, Separate Affiliate Requirements in Connection with 1+ Calls from Payphones, WC 02-200

Dear Ms. Dortch:

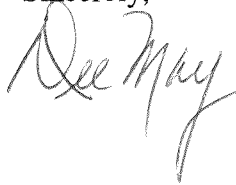
Today, Ed Shakin and Lynn Charytan represented Verizon in a meeting with Linda Kinney, John Stanley, Jeff Dygert, Paula Silberthau and Ann Bushmiller of the Office of General Counsel regarding the above proceedings. The positions presented by Verizon were consistent with those filed in the record of these proceedings and with the attached previously filed paper.

Specifically discussed was the fact that the requirements of section 271 are "fully implemented" for purposes of section 10(d) of the Act in a state at the Commission approves a section 271 application. Indeed, section 271 specifically obligates the Commission to find that the checklist requirements are "fully implemented" as a prerequisite to granting a section 271 authorization, 47 U.S.C. § 271(d)(3)(A)(i). By contrast, section 272 cannot be read to impose a three-year window prior to which the Commission may not find that the requirements of section 271 have been fully implemented. Doing so is inconsistent with the language, structure and intent of the relevant provisions. In addition to the fact that the terms of section 271 itself

provide the answer to the question of when the requirements of that section are "fully implemented," it would make no sense to read compliance with section 272 as "implementing" section 271: the two are distinct provisions that serve distinct purposes. Section 272 is triggered only *after* the Commission has found that a BOC has satisfied section 271 and is in the long distance market. As noted, section 271 itself is implemented when the Commission finds that the "requested authorization *will* be carried out in accordance with the requirements of section 272" 47 U.S.C. § 271(d)(3)(B). Thereafter, the requirement to continue to comply with section 272 is a requirement of section 272 itself – not section 271. Even if section 10(d) were erroneously construed to reach and therefore limit the Commission's forbearance authority with respect to section 272 – a result that is inconsistent with section 10(d)'s specific reference to only sections 271 and 251(c) and not section 272 – it would make no sense to link a determination that section 271 has been fully implemented back to the section 272 sunset. Indeed, if that were the case, it would create a catch-22: section 10(d)'s full implementation language would never apply to permit forbearance with respect to section 272, because the 10(d) forbearance limitation would last until the statutory obligation under section 272 simply dissolved by force of law. In other words, as long as section 272 was in effect, it could not be fully implemented. This interpretation would deprive the Commission of all forbearance authority with respect to section 272 and render the "full implementation" exception to section 10(d) a nullity with respect to that provision – thus limiting the Commission's forbearance authority *entirely* with respect to a provision that is not even explicitly referenced in section 10(d) at all.

Please feel free to call me if you have any questions.

Sincerely,



cc: John Rogovin  
Linda Kinney  
John Stanley  
Jeff Dygert  
Paula Silberthau  
Ann Bushmiller  
Michelle Carey  
Brent Olson  
Jeff Carlisle  
Rob Tanner  
Jeremy Miller  
William Maher  
Matt Brill  
Dan Gonzalez  
Chris Libertelli  
Scott Bergmann  
Lisa Zaina  
Jessica Rosenworcel